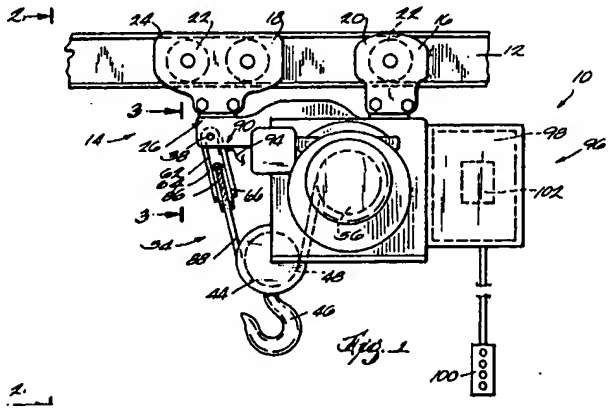
REMARKS

The subject application has been carefully considered in view of the Examiner's Action of October 20, 2004. In this regard, Claims 6, 7 and 12 have been cancelled and Claims 5 and 13 have been amended. Claims 1-4, 8-11, and 14 remain unchanged and are presented for the Examiner's further consideration, as Applicant believes these claims patentably distinguish from the cited and applied prior art.

Novelty rejection

Claims 1-14 stand rejected under 35 U.S.C.102 (b) as being anticipated by Waedekin et al. (US 5, 662, 311). For a rejection under 35 U.S.C. 102(b) to stand, each element of the claims must be found in a single reference. This is not the case here.

Waedekin et al. disclose an overload device in which a load sensor 90 is incorporated into a fixed U-shaped bracket that is part of a pulley system for raising and lowering a load via a cable trained over the pulley. The sensor detects the strain on the bracket (Column 4, lines 37-40) and causes the lift mechanism to stop lifting when the strain reaches a certain value (that is the load is too heavy). Conversely, if the load upon lowering encounters an obstacle and goes slack, the sensor detects the resulting decrease in stress and further lowering of the load is stopped (Column 5, lines 4-8).



Waedekin et al.'s Hoist

Claim 1 is distinguished by the sensor arrangement as set forth in Claim 1, where the claimed sensor is required to be connected to the vertically translatable load or batten and is not in a fixed position as is the sensor 90 of the Waedekin et al. reference. Claim 1 is further distinguished in that the hoisting motor moving the batten or load must also move the sensor (the sensor being connected to the batten or load). In contrast, the Waedekin et al. reference discloses a motor that moves only the load and not also the sensor. Accordingly, the reference does not disclose each feature of Claim 1 so that the rejection of Claim 1 and dependent Claims 2-4 should be withdrawn.

Independent Claim 5 has been amended to include the limitations of cancelled Claims 6 and 7, and now explicitly requires the sensor to be "connected to and movable with the batten". Waedekin et al.'s sensor does not move with a batten.

Independent Claim 8 recites a hoist for raising and lowering a load along a vertical path and explicitly requires a "sensor connected to the load." Since the sensor is connected to the load, it follows that the sensor moves with the load as the load is raised and lowered. Waedekin et al.'s sensor is not connected to the load and does not move with the load. Instead, Waedekin et al.'s sensor remains fixed to a U-shaped bracket of the hoist frame. Claims 9 and 10 depend from Claim 8.

Independent Claim 11 recites a sensor that is "fixed relative to" the batten or load. Consequently, there is no relative motion between the sensor and the batten or load. This again is contrary to Waedekin et al.'s hoist, which fixes a sensor to the hoist frame. Waedekin et al.'s batten or load moves freely with respect to Waedekin et al.'s sensor.

Independent Claim 13, as now amended, recites the step of "locating a sensor relative to the load to detect an obstacle in the path of the load, the sensor traveling along a vertical path with the load." Since the Waedekin et al. reference does not disclose a sensor traveling with the load, claim 13 is also similarly distinguished over Waedekin et al. Claim 14 depends from Claim 13.

Obviousness Rejection

Dependent Claims 2-4 stand further rejected under 35 U.S.C. 103(a) as being obvious over Waedekin et al. The Examiner has taken an initial view that replacing the stress sensor 90 disclosed by Waedekin et al. with the proximity sensor of Claim 2, the infrared sensor of Claim 3, or the ultrasound sensor of Claim 4 would have been a matter of routine substitution. However, neither a proximity, infrared, nor ultrasound sensor can be substituted for the stress sensor Waedekin et al. and still achieve the results Waedekin et al. require of their sensor 90. For example, a proximity sensor mounted in Waedekin et al.'s U-shaped bracket in place of Waedekin et al.'s stress sensor 90 would not be able to detect when the maximum load or capacity of the hoist is reached without significant modifications to Waedekin et al.'s control means, if possible at all. Similar modifications would be required of Waedekin et al.'s control means to replace the sensor 90 with an infrared or ultrasound sensor with no guarantee of success. The sensors of Claim 2-4 move with the batten or load and operate upon approach of an object to be sensed, whereas the sensor of Waedekin et al. remains fixed.

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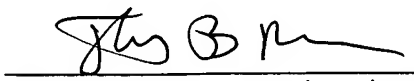
Accordingly, in view of the above amendments and comments, Applicant submits that the claims remaining in the case, namely Claims 1-5, 8-11, 13 and 14, are in condition of allowance, which action is respectfully requested.

Respectfully submitted,



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